

SPECIAL PROVISIONS APPLICABLE TO LAND USE PERMIT NO. _____

SPECIAL NOTICE OF PERMITTEE LIABILITY

Any of the following provisions, which can apply, shall apply

1. Permittee acceptance and use of a *Virginia Department of Transportation* (VDOT) **Land Use Permit** is prima facie evidence that the Permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction standards to be employed. All applicants to whom permits are issued shall at all times indemnify and save harmless the *Commonwealth Transportation Board*, members of the Board, the *Commonwealth*, and **ALL** commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law.
2. The Permittee agrees to secure and carry insurance against liability for personal injury and property damage that may arise from the work performed under permit and/or from the operation of permitted activity-up to one million dollars (\$ 1,000,000) each occurrence to protect the Board Members and Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, the Department, or the Commonwealth in event of suit.
3. The Permittee assumes full responsibility for any and all (downstream, flooding, erosion, siltation, etc.) damages that may occur as a result of the work performed under this permit. Furthermore, the Department will in no way be responsible for any damage to the facility being placed as a result of future maintenance or construction activities performed by VDOT.
4. The Permittee agrees to move, remove, alter, or change any installation that interferes with the ultimate construction of the highway in alignment or grade without cost to the Department unless otherwise stipulated and agreed to by the Department.
5. The Permittee shall immediately have corrected any situation which may arise as a result of these installations that the Department's Resident Engineer or his/her representative deems hazardous to the traveling public, even though it may not be specifically covered in the *Land Use Permit*, the *Special Provisions* and/or the *Land Use Permit Manual*.
6. Any and all highway signs, *Right-of-Way* markers, etc., disturbed as a result of work performed under this permit shall be accurately reset by the Permittee immediately following the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying, may be required.
7. It shall be the Permittee's responsibility to obtain **ANY** and **ALL** necessary permits that may be required by any other government agencies, i.e. *Corp. of Engineers, Dept. of Environmental Quality, Soil Conservation Services, etc.*
8. A copy of the permit to be kept on-site at all times.
9. The Permittee is required to notify the **local** VDOT Residency Office or Permit Office at **least 48 hours** in advance of **ANY** proposed work commencing, and before the following operations take place. Failure to carry out this requirement may result in this permit being **revoked**.
 - A. Placing Concrete or asphalt.
 - B. "Proof rolling" or nuclear testing taken of subgrade before stone is placed.
 - C. "Proof rolling" or nuclear testing taken of base stone.
 - D. Boring or jacking of pipes larger than 6" inches.
10. The Permittee is required to notify the **local** VDOT Residency Office or Permit Office, and District Traffic Engineering Section when planned excavation is within 1,000 feet in the vicinity of a signalized intersection. Failure to carry out this requirement may result in the permit being **revoked**.
11. The Permittee is required to notify **"Miss Utility"** or each operator of an underground utility where no notification center exists of any planned excavation. This notification must be provided at **least 48 hours** - excluding weekends and holidays -before the start of planned excavation. Failure to carry out this requirement may result in this permit being **revoked**.
12. If during or before construction it is deemed necessary for VDOT to assign an Inspector to the project, the Permittee is to pay the Department an additional inspection fee in an amount that will cover the salary, expense allowance, and mileage allowance for the inspection(s) assigned by the Department for handling work covered by this permit. Said inspection fee to be paid promptly each month on bills rendered by the Department.
13. The absence of a State Inspector does NOT in any way relieve the Permittee of his/her responsibility to perform the work in accordance with the approved plans and provisions of the attached permit and **Road and Bridge Standards** (current edition) and **Road and Bridge Specifications** (current edition). No changes shall be made without approval of the Department's Resident Engineer or his/her representative.
14. It is the duty of the Department's Resident Engineer or his/her representative to keep all roads maintained in a safe, travelable condition at **ALL** times. Therefore, any permit may be **denied, revoked or suspended**, when in the opinion of the Resident Engineer or his/her representative the safety, use or maintenance of the highway so requires.

15. The Permittee shall at ALL times give strict attention to the safety and rights of the traveling public, her/his employees and herself/himself. VDOT **reserves the right to stop work at anytime** due to safety problems and/or noncompliance with the terms of the permit. The Department may, at its discretion, complete any of the work covered in the permit or restore the *Right-of-Way* to Department's Standards and bill the Permittee for the actual cost of such work. The Permittee may be required to move, alter, change or remove from the Department's *Right-of-Way*, in a satisfactory manner, any installation made on the *Right-of-Way* under this permit.
16. All work performed under this permit on VDOT's *Right-of-Way* shall in all respects, including location, alignment, elevation and grade; manner of performing the work; restoration of conditions, etc., be subject to VDOT's directions, **Road and Bridge Standards** (current edition) and **Road and Bridge Specifications** (current edition) and shall be performed to the satisfaction of the Department's Resident Engineer or his/her representative.
17. Design changes, specified material changes and/or field changes from the approved plans need to be submitted to the appropriate, **local** VDOT Residency Office or Permit Office, prior to proceeding with the work. A letter of explanation shall accompany the revised design plans and/or engineering calculations, which must be submitted to VDOT for review and approval by the Residency Office or Permit Office.
18. No steel plates will be allowed November 1 to April 1 of each year.
19. All damaged sidewalks and/or curb and gutter to be removed to its nearest joint and replaced.
20. Bore pit to be a minimum of 10 feet off edge of pavement for primary and secondary roads; 30 feet for interstate highways.
21. All damages to existing roads will be restored to the satisfaction of Virginia Department of Transportation.
22. All pavement cuts must have identification markers placed on each patch.
23. A smooth grade shall be maintained from centerline of existing road to proposed curb and gutter to preclude the forming of false gutters and/or the ponding of any water on the roadway.
24. Completion of this permit is not an automatic street acceptance of dedicated right of way for VDOT maintenance. Street acceptance is handled through Fairfax County DEM and will involve another complete inspection by VDOT.
25. Positive drainage to be obtained throughout the dedicated right-of-way.
26. Full risk and liability for identification of the right-of-way shall be the permittee's responsibility.

Traffic Control and Safety Procedures:

27. Traffic shall NOT be blocked or re-routed (detoured) without **written** permission from the Department's Resident Engineer or his/her representative. Where one-way traffic is permitted to be maintained, it shall be properly flagged 24 hours per day by a **trained, certified flagperson**. A certification card is required for any person flagging within VDOT's *Right-of-Way*.
28. Certification for flagperson will be awarded upon a candidate's satisfactory completion of an examination. Certification card shall be carried by the flagperson while performing duties. A flagperson found not in possession of his/her certification card shall be removed from the flagging site and the Resident Engineer or his/her representative will suspend operations requiring flagpersons. Furthermore, flagpersons performing duties improperly shall have their certification **revoked**.
29. During construction, the Permittee shall furnish ALL necessary signs, flagpersons and other protective devices (lights, barricades, etc.) for protection of traffic and workers in accordance with the specifications of the **Virginia Work Area Protection Manual** or as directed by the Resident Engineer or his/her representative. All signs shall be in accordance with the current edition of the **Manual of Uniform Traffic Control Devices (MUTCD)**. Trained, certified flagpersons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with **MUTCD**. Flagpersons shall use sign paddles to regulate traffic in accordance with **MUTCD**.
30. **Hours and Days of Work:** Permittee is authorized to work between the hours of 9:30 a.m. to 3:00 p.m. Monday through Friday, Any variance in times of work must be obtained from the Resident Engineer, Permit Office or his representative. The appropriate, local VDOT Resident Engineer shall determine working hours on ALL state routes.
31. Long, open trenches will NOT be permitted. The maximum length at any time, including backfilled portion, which is not suitable for traffic, shall NOT exceed 500 feet and shall be properly signed and delineated. Trenches are NOT to be left open overnight unless approved by the Resident Engineer or his/her representative. No pre-blasting or pre-blowing will be permitted without prior approval from the Resident Engineer.

32. No excavated material is to be placed or tracked on the pavement, without **written** permission of the Department's Resident Engineer or his/her representative. When so permitted, the pavement shall be satisfactorily cleaned by an approved method. No cleated (track-mounted) equipment is to be used on the pavement, without proper protection to the pavement.

33. **Excavations:**

- OSHA requires shoring for any excavation 4' or more in depth.
- When not utilizing shoring, excavations are to be sloped accordingly.
- Shoring or trenching boxes need to be approved by an Engineer with P. E.

Restoration Procedures:

34. All backfilling and compaction of disturbed areas shall be in accordance with the specifications outlined in VDOT's **Road and Bridge Specifications** (current edition). All compaction tests result shall be maintained on site for inspection. The Permittee will be held responsible for correcting any settlement of backfill or pavement for a period of three (3) years after completion of work. All trenches shall be maintained to the satisfaction of the Resident Engineer or his/her representative.

- 100% required for top 6" of subgrade
- 95% required between ditch to ditch, and from sidewalk to sidewalk
- Fill materials to should be placed in 6" layers.

35. Where pavement exists, all crossings shall be bored, pushed or jacked from back-of-ditchline to back-of-ditchline or toe-of-fill to toe-of-fill. The pavement shall NOT be cut unless otherwise approved by Resident Engineer and then only if justifiable circumstances prevail or proof is shown that a thorough attempt has been made to push, bore or jack.

36. Whenever the pavement is permitted to be cut, not over one-half of the roadway width shall be disturbed at one time; the first opening shall be completely restored to satisfactory, travelable condition before the second half can be opened. The Permittee shall mill and resurface ALL (asphalt) concrete roadway; and resurface all other roadway with like material that is existing, **for a distance of 25 feet on each side of the disturbed area from edge-of-pavement to edge-of-pavement**. Whenever the pavement is permitted to be cut, the provisions of **MP-71** shall be adhered to. Where the pavement is disturbed or deemed weakened, in its entirety or such portions of it as deemed desirable by the Department, shall be restored or replaced in a manner, which is satisfactory to the Department's Resident Engineer or his/her representative.

37. **Environmental Issues:**

- The applicant is responsible for pursuing and obtaining any and all environmental permits which may be required to pursue the proposed activity prior to any work beginning within VDOT right of way.
- In the event the applicant encounters hazardous materials or underground storage tanks within the right of way in the pursuit of his activities, the applicant is responsible for ceasing all work within the site and notifying the Residency and other responsible groups, i.e. local fire department, emergency services, Department of Environmental Quality, etc. The applicant is responsible for coordinating and completing all remedial/removal activities required in order to properly complete the proposed activities within VDOT right of way.
- In the event the applicant encounters cultural resources, archaeological, paleontological, and rare minerals, within the right of way in the pursuit of his activities, the applicant shall act immediately to suspend work at the site of the discovery and notify the Residency. The applicant is responsible for notifying the proper state authority charged with the responsibility for investigating and evaluating such finds. The applicant will meet all necessary requirements for resolving any conflicts prior to continuing with the proposed activities within VDOT right of way and shall provide evidence of such compliance to the Residency.
- Drainage - Road drainage shall NOT be blocked. The shoulders, ditches, roadside and drainage facilities, as well as the pavement, shall be kept in an operable condition satisfactory to the Department. Necessary precautions shall be taken by the Permittee to insure against siltation of adjacent properties, streams, etc. in accordance with VDOT's current standard practices or as prescribed by the Department's Environmental Manual "Erosion and Sediment Control" and Resident Engineer or his/her representative.
- The permittee shall provide adequate means of cleaning trucks and/or other equipment of mud prior to entering the VDOT right-of-way, and it is the permittee's responsibility to clean streets and alleys of dust and to take whatever measures are necessary to insure that the road is maintained in a clean, mud and dust-free condition, at all times.

38. **Entrances** - Road and street connections, private entrances, and construction entrances are to be kept in satisfactory condition. Entrances shall NOT be blocked. Ample provision must be made for safe ingress and egress to adjacent property at all times. Where entrances are disturbed they shall be restored to the satisfaction of the property owner and the Department's Resident Engineer or his/her representative. The Permittee shall submit to the **local** VDOT Residency Office or Permit Office engineering calculations, etc. showing determination of appropriate size of entrance pipe.

39. When building a turning lane adjacent to an existing VDOT roadway, it is the responsibility of the Permittee/Agent to meet or exceed the existing pavement and sub-base typical section. Before any work is performed, the typical section must be reviewed and approved by the Resident Engineer or his/her representative.
40. No trees or shrubs shall be cut or trimmed and no tree roots over 3" in diameter are to be cut without **written** permission of the Department's Resident Engineer or the District Environmental Manager and covered by a properly executed *Tree Trimming Permit*. All roots under 3" in diameter are to be clean cut with an ax or saw. Particular attention shall be given not to splinter the roots next to the tree. No trees or shrubs are to be planted without prior review and **written** approval of the District Environmental Manager and Resident Engineer.

Utilities Guidelines:

41. Prior to any excavation, the Permittee shall comply with the terms of *Underground Utility Damage Prevention Act*, Title 56, Chapter 10.3, and Section 56-265.14 through 56-265.20 **Code of Virginia**, as amended. This permit does NOT grant permission to grade on property of others, grade near, adjust or disturb in anyway, existing utility poles or underground facilities in permitted area. Permission to do so must be obtained from the proper utility company and any expense involved must be borne by the Permittee. Any conflicts with existing utility facilities shall be resolved between the Permittee and the utility owner(s) involved.
42. All crossing and parallel installations allowed in the shoulders or ditchlines shall have a cover of 36 inches. All underground Cable TV and telephone cables placed adjacent to the *Right-of-Way* and back of ditchline shall have a minimum of 30 inches cover. All other facilities shall have a minimum of 36 inches of cover.
43. Where feasible, all aboveground installations (such as fire hydrants, telephone pedestals, markers, etc.) shall be located adjacent to the *Right-of-Way* line. All manhole covers, valve box, etc., shall be installed two inches below existing ground line and shall conform to existing contours.
44. No poles, guys, anchors, etc., are to be placed on the Department's *Right-of-Way* unless so indicated and approved on this permit. At no time will any such facilities be allowed between the ditchline and the traveled roadway.
45. ALL overhead crossing(s) shall conform to the **latest** requirements of the *National Electrical Safety Code*; and the vertical clearance of the lowest wire or cable crossing the roadway or entrance, shall not be less than 21 feet for Interstate and Limited Access Highways, and 18 feet for all Primary and Secondary roads.

Final Inspection and Completion of Permit:

46. Upon completion of the work covered by this permit, all disturbed areas within VDOT's *Right-of-Way* shall be topsoiled, seeded, and restored to their original condition as found, prior to starting such work.
47. Completion of this permit is contingent to the fact that the Permittee is in compliance with **ALL** governing bodies involved in the total completion of work on VDOT's *Right-of-Way*.
48. The Permittee is required in writing to notify the **local** VDOT Residency Office or Permit Office upon completion of work covered by the attached *Land Use Permit*. The Permittee is responsible for requesting a ***Final Inspection in writing.***

Permittee Agreement for Land Use Permit

I the undersigned Permittee have read and am fully cognizant of all the above MP-63 requirements.

_____ (Permittee Name)

_____ (Permittee Signature)

_____ Date